

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

KATHY L TORRES,

Plaintiff,

Case No. 17-cv-13039

v.

Honorable Thomas L. Ludington

Magistrate Judge Mona K. Majzoub

SOCIAL SECURITY, COMMISSIONER OF,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING
COMMISSIONER'S MOTION FOR SUMMARY JUDGMENT, DENYING
PLAINTIFF'S MOTION TO REMAND, AND AFFIRMING THE FINDINGS OF THE
COMMISSIONER**

Plaintiff Kathy Torres filed an application for disability insurance benefits under the Social Security Act on March 4, 2014. Her application was denied, and so Torres requested an administrative hearing. The hearing before the Administrative Law Judge occurred on March 24, 2016, and the ALJ found that Torres was not disabled. She appealed to the Appeals Counsel, which denied review. On September 15, 2017, Torres filed a complaint seeking judicial review of the denial of benefits. ECF No. 1.

The case was referred to Magistrate Judge Mona K. Majzoub. ECF No. 2. Torres subsequently filed a motion to remand, and the Commissioner filed a motion for summary judgment. ECF No. 13, 18. On April 24, 2018, Judge Majzoub filed a report recommending that Plaintiff's motion to remand be denied, the Commissioner's motion for summary judgment be granted, and the case be dismissed. ECF No. 20. Judge Majzoub found that the record contained substantial evidence to support the ALJ's finding that Torres had the capacity to perform frequent

fingering and handling. She further found that the ALJ properly disregarded Torres's testimony regarding the side effects of her medication.

Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendant filed any objections. The election not to file objections to the Magistrate Judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the Magistrate Judge's report and recommendation, ECF No. 20, is **ADOPTED**.

It is further **ORDERED** that Defendant Commissioner's motion for summary judgment, ECF No. 18, is **GRANTED**.

It is further **ORDERED** that Plaintiff Alexander's motion to remand, ECF No. 13, is **DENIED**.

It is further **ORDERED** that the Commissioner of Social Security's decision is **AFFIRMED**.

Dated: July 18, 2018

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 18, 2018.

s/Kelly Winslow
KELLY WINSLOW, Case Manager